

Public Document Pack



COTSWOLD
DISTRICT COUNCIL

Monday, 5 June 2023

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OVERVIEW AND SCRUTINY COMMITTEE

A meeting of the Overview and Scrutiny Committee will be held at Council Chamber - Trinity Road on **Tuesday, 13 June 2023 at 5.00 pm.**

Rob Weaver
Chief Executive

To: Members of the Overview and Scrutiny Committee
(Councillors Gary Selwyn, Roly Hughes, Dilys Jane Neill, Michael Vann, Angus Jenkinson, Jon Brian Wareing, Gina Blomefield, David Cunningham, Tony Slater and Clare Turner)

Recording of Proceedings – The law allows the public proceedings of Council, Cabinet, and Committee Meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Committee Administrator know prior to the date of the meeting.

AGENDA

1. **Apologies**
2. **Substitute Members**
To note details of any substitution arrangements in place for the Meeting.
3. **Declarations of Interest**
To receive any declarations of interest from Members and Officers, relating to items to be considered at the meeting.
4. **Minutes (Pages 5 - 10)**
To confirm the minutes of the meeting of the Committee held on the 21st March 2023.
5. **Chair's Announcements**
6. **Public Questions**
To deal with questions from the public within the open forum question and answer session of fifteen minutes in total. Questions from each member of the public should be no longer than one minute each and relate to issues under the Council's remit. At any one meeting no person may submit more than two questions and no more than two such questions may be asked on behalf of one organisation.

The Chair will ask whether any members of the public present at the meeting wish to ask a question and will decide on the order of questioners.

The response may take the form of:

- a) a direct oral answer;
- b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner's remit.

7. **Member Questions**
To deal with written questions by Members, relating to issues under the Committee's remit, with the maximum length of oral supplementary questions at Committee being no longer than one minute. Responses to any supplementary questions will be dealt with in writing if they cannot be dealt with at the meeting.

The response may take the form of:

- a) a direct oral answer;
- b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

8. **Update from Employment Policies Working Group**
Purpose

To receive a verbal update on the work of the Employment Policies Task and Finish group.

Cabinet Items for Pre-Decision Scrutiny

9. **Development Management Improvement Plan (Pages 11 - 50)**

Purpose

To provide an update on progress against Phases I and II of the DM Improvement Programme and make recommendations for further improvements (Phase III), following the Planning Advisory Service report.

Recommendation

That Cabinet:

- a) *Notes the improvement progress to date, and*
- b) *Approves the changes detailed in paragraph 5.1*

10. **Review of Work plan proposed by 2022/23 Committee (Pages 51 - 54)**

Purpose

To consider the recommended work plan for 2023/24.

Recommendation

To agree the work plan.

11. **Cabinet Forward Plan (Pages 55 - 66)**

Purpose

To consider items for July and September meetings, including any items for pre-decision scrutiny.

Recommendation

To agree items for July and September meetings.

(END)

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Overview and Scrutiny Committee
21/March2023



COTSWOLD
DISTRICT COUNCIL

Minutes of a meeting of Overview and Scrutiny Committee held on Tuesday, 21 March 2023.

Councillors present:

Stephen Andrews (Chair)
David Cunningham
Gina Blomefield
Claire Bloomer

Gary Selwyn (Vice-chair)
Patrick Coleman
Richard Norris
Nikki Ind

Nigel Robbins

Officers present:

Robert Weaver, Chief Executive
David Stanley, Deputy Chief Executive and
Chief Finance Officer
Claire Locke, Assistant Director for Property
and Regeneration

Stuart Rawlinson, Business Manager
Resources, Data and Growth
Ana Prelici, Democratic Services Officer

OS.241 Apologies

Apologies were received from Councillor Roly Hughes.

OS.242 Substitute Members

There were no substitute members.

OS.243 Minutes

The Chair commended the minutes of the previous meeting, highlighting that they believed them to strike a good balance of political neutrality.

Members suggested an amendment to the minutes, on page seven;

“(c) The matter does not require a Full Council decision, that there are sufficient grounds to refer it to Council and a request is therefore made for it to be added to the next Council agenda”

Should read:

“(c) The matter does not require a Full Council decision, ~~that there are sufficient grounds to refer it to Council~~ and a request is therefore *not needed* for it to be added to the next Council agenda”

RESOLVED: To approve the minutes as an accurate record of the meeting held on the 1st of February, subject to the amendments being made.

Voting record- For 6, abstentions 2, absent 1*

*Councillor Patrick Coleman arrived to the meeting after this item of business and therefore did not vote on the minutes.

OS.244 **Declarations of Interest**

Cllr Claire Bloomer declared that she was a member of the Cirencester Food Pantry. The Chair advised that this interest did not explicitly relate to an agenda item, but welcomed any additional knowledge that came along with it.

OS.245 **Chair's Announcements**

The Chair decided to take this item at the end of the meeting.

Although not on the agenda, Councillor Cunningham updated the Committee on the work of the Employment Policies Task and Finish Group at the Chair's Discretion. He stated that the body of work was larger than initially envisaged, and that the work had been finished but the recent industrial action had slowed the consultation process with trade unions down. An update will be provided early into the next political cycle.

The Chief Executive noted that this was the last meeting of the Overview and Scrutiny Committee for the political cycle and thanked the committee for its work and robust scrutiny.

The Chair reciprocated this thought, and thanked members for their diligence. The Chair remembered the late Councillor Theodoulou, who had not sat on the Committee for the last year, but had done so for many years prior, providing salient commentary.

OS.246 **Public Questions**

There were no public questions.

OS.247 **Member Questions**

There were no member questions.

OS.248 **Council Priority and Service Performance Report 2022-23 Q3 (30 minutes)**

The Chair highlighted that there were two aspects to the item, the Council Priority and Service Performance Report included in the report pack, and the Q3 Finance Performance Report, which had been circulated as part of the updated supplementary pack. The Chair therefore invited the Committee consider them separately.

Council Priority and Service Performance Report

The purpose of the item was to provide the committee with an update on progress on the Council's priorities and service performance.

Overview and Scrutiny Committee 21/March2023

The Chief Executive introduced the report. The Chief Executive highlighted Local Government Association peer review which had taken place in October, and that the recommendations, such as performance indicators would be implemented in future reports. The Chief Executive highlighted the key findings of the report;

- Council tax collection was up 1% since the previous year but could still be impacted by the cost of living crisis.
- The call centre response times have improved despite an increase in complex calls.
- The council has completed the £150 Council Tax rebate programme, with £3.8m distributed, and an additional £135,000 under the discretionary scheme.
- The Council tax support scheme for the next financial year was approved by Cabinet in 2022.
- The Council continued to support the Homes for Ukraine Programme with 150 sponsors.
- Following the Legal Services review, the Phase 2 Service Review had been started with Cadence being appointed to assist strengthening the existing service.
- There were improvements in determination times for all application types.
- Severe weather towards the end of 2022 had caused challenges, notably related to waste collection.

Before inviting the committee to comment, the Chair reminded the committee of the pre-election period and the resultant need for the Committee to refrain from any political remarks.

The Committee asked for further detail regarding missed bins. The Chief Executive answered that this was caused by extreme weather, and were therefore not missed through any human error.

The Committee asked for a number of specific details, which the Chief Executive explained he would circulate following the details after the meeting;

- Are Habitat designations affecting the performance of 'other' types of planning applications disproportionately?
- Leisure centre breakdowns by ward/area.
- Could the Committee have an update on whether the Development Management team was still at full capacity in regard to staffing?
- Open Portal does not contain any information on Council tax support for those who are struggling, can this be included?
- Winter and summer sport assessment for playing pitches- has a response been received from Sport England?

The Committee congratulated David Morren on his work in his time as Interim Development Manager and asked what Publica's plans were for making this role permanent. The Chief Executive explained that Publica was recruiting an Assistant Director for Planning and Strategic Housing, and that once this person was in post, they would recruit a permanent Development Manager.

The Committee commented on the change of circumstances affecting Council tax support, as referenced in the report and wanted to know how the Council dealt with instances where individuals had been overpaid Council tax benefit. The Chief Executive explained the mechanism that used, and highlighted that each situation is dealt with on a case by case basis,

for instance, setting up a payment plan to ensure that individuals are not put into a difficult situation if having to repay benefit.

The Committee discussed how other councils are used for benchmarking. The Chief Executive explained that only councils which were considered similar by use of comparators would be used, but was also open to looking at neighbouring authorities such as Wiltshire.

RESOLVED: That the Committee note overall progress on the Council priorities and service delivery for 2022-23 Q3.

Financial Performance Report Q3 2022/23

The purpose of the report was to set out the latest budget monitoring position for the 2022/23 financial year.

The Chief Finance Officer introduced the report and explained that there had been a slight improvement in the financial position despite the pressures caused by inflation, though it was noted that the impact of these pressures had not changed, and significant pressures were expected around the Staff Pay Award. The Chief Finance Officer also stated that interest rates remained high but inflation was expected to fall according to independent forecasts.

The Chief Finance Officer reassured members regarding the recent collapse of Credit Suisse and Silicon Valley Bank, that the Council had no exposure to types of deposits which would be considered at risk following these events. The Bank of England had also issued a statement stating that the UK banking system remains safe, which the Chief Finance Officer made reference to.

Councillors asked whether a breakdown of car park charges could be provided, which the Chief Finance Officer committed to providing after the meeting.

RESOLVED: That the Committee note the financial position set out in this report.

OS.249 Task and Finish Group - Performance Management and Reporting (30 Minutes)

Councillor Coleman as Chair of the Task and Finish Group thanked the Business Manager for Resources, Data and Growth on their work on this.

The Business Manager introduced the item, highlighting that phase one had been undertaken, which identified quick fixes to the suite of indicators, and ensuring that all areas of the corporate plan were looked at.

Members discussed whether indicators on leisure centre use would be included, the Business Manager highlighted that this would be included in the recommendations to the incoming Cabinet, but the Assistant Director for Property and Regeneration added that the scope should be limited to areas within the Council's control.

Members asked that the incoming Chair look at the indicators upon completion of the work, to highlight a small number (around two or three) which would simplify the Committee's work in scrutinising performance.

RESOLVED: That the Overview and Scrutiny Committee:

- I. NOTE the update and endorse recommendations contained within

this report.

2. **RECOMMEND TO CABINET** to develop and adopt performance indicators related to the areas included at Section 2.6 of this report; and work with Overview and Scrutiny to develop a programme for Phase 2 of this review.

Voting Record- For 9, Against 0, Abstentions 0, Absent 1

OS.250 Update on Informal Work Planning Meeting (15 Minutes)

The purpose of the item was to provide an update from the informal work planning Meeting held on 1 of March for members who were not in attendance and to discuss and recommend the work plan to the incoming committee.

The Assistant Director for Properties and Regeneration, in their capacity as the Locality Lead, introduced the item. The Assistant Director summarised the meeting, explaining that a number of items were looked at including the scrutiny process, pre-decision scrutiny, a time limit on the length of meetings, and that the Committee underwent a thorough process in prioritising work plan items to recommend to the next committee in the new political cycle.

Pre-decision scrutiny was highlighted, as attendants at the informal meeting felt that if it had been in place, it could have prevented the recent call-in of a Cabinet decision. The Committee felt that pre-decision scrutiny was a positive step.

The Committee commented that the planning committee process for deciding which applications to consider was a worthwhile topic to review in the new year, and welcomed its inclusion on the work programme, but noted that this was up to the new Committee to decide on.

The Assistant Director advised that the incoming Committee in June should explore these topics in more detail, in order to look at topics such as heritage assets, which were mentioned at the meeting.

RESOLVED: To note the work planning meeting discussion and recommend the provisional work plan to the new Committee

Voting record For 8, Against 0, Abstentions 0, Absent 1*

*As Councillor Coleman had left the meeting at this point, he did not vote.

The Meeting commenced at 4.00 pm and closed at 5.30 pm

Chair

(END)

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Agenda Item 9



COTSWOLD
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	CABINET – 19 TH June 2023
Subject	DEVELOPMENT MANAGEMENT IMPROVEMENT PROGRAMME
Wards affected	All
Accountable member	Cllr Juliet Layton Cabinet Member for Development Management and Licensing Email: Juliet.layton@cotswold.gov.uk
Accountable officer	Jon Dearing Assistant Director Jon.dearing@publicagroup.uk
Report author	Phil Shaw, Business Manager for Planning and Sustainability Email: Phil.Shaw@publicagroup.uk
Summary/Purpose	To provide an update on progress against Phases I and II of the DM Improvement Programme and make recommendations for further improvements (Phase III), following the Planning Advisory Service report.
Annexes	Annex A – Enforcement ‘Harm’ Checklist Annex B - Planning Advisory Service Report Annex C – Consultation Protocol Annex D – Negotiation Protocol Annex E- Fees and charges schedule (To be provided)
Recommendation(s)	That Cabinet: <i>a) Notes the improvement progress to date, and</i> <i>b) Approves the changes detailed in paragraph 5.1</i>
Corporate priorities	<ul style="list-style-type: none"> • Deliver the highest standard of service
Key Decision	No



Exempt	NO
Consultees/ Consultation	Officers, and a representative of the Planning Advisory Service, met with Cabinet and the Planning Committee Chair and Vice Chair.

1. EXECUTIVE SUMMARY

- 1.1 The report identifies the progress made in implementing the improvements to DM that have been undertaken thus far and the improvements to performance that have been secured. It then sets out further improvements that are in train and are proposed following the PAS review. Furthermore a series of additional options are set out which would need member authorisation to implement.

2. BACKGROUND

- 2.1 The Development Management Service has had a challenging time over the last few years. The Pandemic brought about an unanticipated surge in demand, which resulted in substantially higher workloads and a much more competitive recruitment market. The Pandemic also restricted working processes, with (at times) 100% home working and restrictions around meetings and site visits.
- 2.2 Locally, these Pandemic related challenges were exacerbated by issues around retention, recruitment, a temporary Management Structure, validation backlogs and a lack of accurate data around which performance management mechanisms could operate. This in turn led to customer contact /feedback issues as staff prioritised throughput/backlog reduction over customer focus.
- 2.3 Accordingly, an Improvement Programme was initiated in January 2021, with the aim of addressing the fundamental issues. As a result, over the last 2 years the Service has:
1. Added additional capacity - added two Career Grade Planner posts at each site and added flexibility to all the new contracts to better meet the needs of the Councils and their customers,
 2. Introduced Career Grades with salary progression based on the attainment of experience, qualifications and value to the organisation,
 3. Improved, and localised, the recruitment process to reflect the significant advantages of being a Planner in this part of the Country,



4. Made changes to Management roles to provide stability for the Teams and local points of contact for Members,
5. Formed a Validation Shared Service team which added significant resilience and enabled us to cut our Validation timescales by around 60%,
6. Introduced customer contact touchpoints that mean that we are much more proactively communicating starting from receipt of the application and further contacts being rolled out at each stage of the process as our redesigns work through. We also introduced the Enterprise (Workflow) System, so that we are able to monitor and performance manage these proactive communications,
7. Created additional data sets to seek to overcome the issue that the vast majority of existing data was backwards looking and seeking to improve the quality, depth and frequency of our data sets, so managers have the adequate tools to manage their officers and overall performance, and
8. Commissioned a review by the Planning Advisory Service (PAS) in recognition that these improvements were only Phase I of the journey.

2.4 As a result of these improvement actions the performance in relation to 'Minor' and 'Other' applications (making up 99% of all applications) has been continually improving since July 2021, as shown in the following table:

CDC	Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23	Q2 22/23	Q3 22/23	Q4 22/23
Minors	61.68%	60.59%	66.03%	66.08%	74.49%	76.35%	78.00%	78.1%
Others	62.26%	55.73%	58.51%	59.34%	71.47%	71.93%	73.75%	74.29%

The table shows the cumulative performance in each year (percentage of applications determined within 8 weeks or an agreed Extension of Time). The data shows that for Minor and Other applications there have now been six consecutive quarters of performance improvement.

- 2.5** Over the last year and a half the DM Management Team have been closely monitoring the impact of the first phase of improvements, consulting Members and Teams on the next best steps in terms of improving the service and have received the results of the PAS Review mentioned in paragraph 2.3 (point 8). The result of these consultations was the formation of Phase II of the Improvement Programme. Phase II, the focus of this report, is still quite process/protocol orientated and is anticipated to be completed over the next few months
- 2.6** Phase III of the Programme will be initiated during late 2023/early 2024 and will focus on the digitalisation of the service and the implementation of a continuous programme of user research so that we can better understand the future needs of our service users. This will



be complemented by sustainability measures such as succession planning, advancement of our officer development programme, further work on (and expansion of) our Career Grade approach, implementation of further shared working models where appropriate and 'in time' Data. The aim of this work is to be providing a high quality, customer focussed and high performing service; that is sustainable and efficient.

- 2.7** Members may be aware that Government monitors the performance of all LPA's against a rolling 2 year average. Because the good performance at CDC pre Covid has now dropped out of the data set and been replaced with the poorer performance that resulted from Covid restrictions (as detailed in the left hand boxes above) this has meant the rolling average has dropped even though the poor performance issue has been rectified and the service is back above target and performance is improving further. This meant that Government identified that it was at 69.6% as opposed to the 70% requirement and as such was potentially in the position of designation by Government. Officers have been liaising with the team from DLUHC setting out that the 'miss' was by a very small margin, that performance is now clearly on an improving trend (indeed for April was over 90%) and that as a result of the measures already implemented (which are clearly working) and the further improvements proposed by way of this report, that we are confident that we will not have any further performance issues. The Officers from DLUHC acknowledged the above and indicated that there is nothing more that they would have done than has already been done. The situation does however highlight the importance of the corporate data sets clearly displaying the right data (they did not as they showed spot data as opposed to rolling average data) and of constantly looking at the way that applications are processed to ensure performance is maintained/improved. The measures set out later in this report are thus part of that process of looking at continued improvement..

3. MAIN POINTS

- 3.1** The PAS review focussed on Process and the brief given to the Inspector was to give us their unbiased assessment of where the planning team are and what needs to be done to further improve; but also to sense-check the further improvements that were already implemented or were planned to ensure that they were consistent with good practice across the country.
- 3.2** As a result of their findings and political feedback a revised Action Plan has been created that sets the agenda for the next phase. The key improvement areas included in the Action Plan are detailed in section 4 whilst section 5 details further, proposed, improvement areas where we need Cabinet approval given the sensitivity/potential impact.



3.3 It is worth setting out that until this process started most of the improvement processes had been initiated and designed by the respective teams and that as a result they had considerable ownership of them but with the disadvantage that they were often too inward looking - focussing on the efficiency of the process as opposed to the outcome for the customer. This programme of works has been undertaken by staff resources based within the Residents Services Group but with the Planners as clients/advisors as opposed to designers. This has already started to yield significant advantages in terms of the external oversight producing generic as opposed to site specific solutions which in turn aids resilience and efficiency. However it has sometimes meant challenging long held norms in terms of what was perceived as good customer care and as a result has necessitated quite a cultural change amongst the team; particularly amongst some of the longer serving staff. However the data collected is demonstrating that the improvements are working and there are far fewer customer complaints than were being received when the process was started. Whilst mistakes may be made as staff adapt to significantly different new ways of working the programme is delivering the key outcomes of better customer service at less cost and with greater resilience. Thus, if errors are made in future they sit in the context of why the changes have been made and there is the data to support the fact that the service is now clearly on a long term improving trend.

4. AREAS ALREADY ADDED TO THE ACTION PLAN

4.1 The following items have been added to the Action Plan and are either in the process of being implemented or are scheduled in for implementation

Enforcement: Work is underway to cleanse the backlog of cases that are either now resolved or are considered not to be causing harm and have had no correspondence against them for more than two years. A web Form has been developed which will help the complainant provide the necessary information and evidence at the first point of contact and help us to triage complaints more effectively

Validation: A substantial piece of work has been done to create a Validation Checklist that captures those requirements common across the partnership but is bespoke as regards particular policy requirements at each site. It includes many new features as to what needs to be submitted alongside applications in terms of biodiversity, climate change, energy efficiency, sewage disposal etc. As it is a digital document it also links to advice sections so as to enable the applicant to get it right first time and reduce the current (circa) 40% invalid applications which is a hidden cost to the Council in rectifying errors made by agents to enable the application to be registered and processed.



- 4.2 Pre-Application Service:** As an initial phase of the improvement programme the process whereby pre application advice is offered to potential applicants was remodelled. The core premise of this work was that much of the work in terms of drafting the letters and managing the caseload could be carried out at relatively junior and administration levels but each ‘caseworker’ would have a planning officer to act as a ‘consultant’ in the drafting of the letter. Sign off would remain with more senior staff. In so doing we would release planners from the more admin/process elements of the task whilst retaining planner input and sign off to ensure quality. However the implementation of this new process was delayed in that the substantial increase in the volumes of planning applications meant there was insufficient resource to bring it in. Subsequently the priority has been to focus on the enforcement element of the service. However it is considered that the work mapped out remains valid and, now that caseloads are reducing back towards pre pandemic levels , the opportunity will arise to revisit this work stream and realise the benefits that flow from it in terms of quicker responses, cheaper staff costs and a mechanism to support career development. We may also be able to introduce further charges for “fast track” pre apps and clearance of conditions etc where developers or potential purchasers of property are under time pressure.
- 4.3 Invalid Applications:** We have created a process where the cause of the invalidation can be logged such that we can improve the pre application information we provide in order to seek to reduce the errors agents are making.
- 4.4 Extensions of Time:** Government introduced a process whereby, if the applicant agreed, the timescale for determining an application could be extended beyond the statutory period but the application is still counted as being in time. This process was not, historically, widely used by this Council as it was seen as masking poor performance. However in contrast some authorities seek an extension of time at validation and so achieve 100% within time. Clearly when benchmarked against that approach operating without using EOT much or at all makes it very difficult to match that performance. What is now happening is that the team ask for an EOT for the delays caused by others (e.g. awaiting a key consultee, awaiting an ecology survey that can only take place next May, awaiting amended plans, to enable it to go to committee, at the applicants request, etc.) but do not promote it when the issue sits with us (e.g. Admin error, officer on leave etc.). In that way the team will be operating on a much more level playing field with those who are gaming the process whilst not masking issues that sit with the Council to resolve. The really positive consequence of this approach is that customers are kept much better informed and have realistic expectations around timescales



- 4.5 Customer Contact: As advised above we have started a number of initiatives aiming to build in customer contact.
- 4.6 Agent Forum: Clearly a lot of these changes will affect Agents. Over the years a number of them have become reliant upon the Administration Team to get their applications into shape before processing could even start. This has significant time and cost implications for the Council and this dynamic will shift as part of the Validation process improvements. There are also new fees for undertaking tasks that have hitherto been provided for free. This is likely to cause some disruption and as such an Agents forum will be convened in early Autumn to explain that if they follow the advice offered it should actually help matters as they will not be stuck in a queue behind applications that the staff have to work on even to get registered. Once held, these forums will be repeated such that the ever evolving planning legislation can be discussed and explained and future improvements to the system can be consulted upon.
- 4.7 Web Improvement: In the last year a Channel Choice Team has been formed within the Resident Services Group; made up of Customer Service officers, ICT officers, Communications and Web Design officers. As well as working to provide more accessible digital services for our customers, this Team is working with the Web Content officer to improve the information provided on the Website. The usability of the Web pages has a direct impact on the level of enquiries/requests for assistance that is received by the Planning Service.
- 4.8 Non Committee Reports: The PAS report identified that officers were of a high calibre and carried significant caseloads. However there was a perception that some junior officers put together reports that relied unduly on senior officers to correct and format and that they should be producing better reports at the outset. At CDC PAS considered the reports to be overly long and detailed (in relation to straightforward applications), with far too much effort and expertise being invested in a piece of work that would probably never be read again once the application had been signed off. The solution to both of these issues is to adopt a standard template approach where reports are tailored to the likely audience. Thus Committee reports and refusals that may be appealed would be written as bespoke pieces of work (as now) whereas other applications would not need such bespoke reports but could use standard templates with inserts. These new reports will be implemented shortly.
- 4.9 Decision Sign Off: In order to avoid a bottleneck at the Principal Officer level we have, following consultation with the Portfolio Holder, introduced a system of Peer Sign Off on



less complex applications. As well as speeding up the process of Sign Off, this approach allows officers to learn from their colleagues' decision making considerations

5. AREAS REQUIRING MEMBER APPROVAL

- 5.1 The following further improvement items require approval in that they are considered to have political implications, as per recommendation (b):
- 5.2 Charges: As part of a separate (Corporate) report it was agreed that a new fee charging structure be adopted based around two premises. Firstly, that many of the Fees levied were not in line with neighbouring Councils and needed to increase. Secondly, that there were many non-statutory functions being undertaken without any charge. The newly adopted structure brings existing Fees in line with comparators and introduced (modest) new Fees where we are providing officer assistance in areas where information is available to enable self-serve. (see annex E) However when they have bedded in there is the opportunity to revisit them to look at whether income could be further enhanced by adding charges for further tasks (such as fast tracking) or by raising the rates further as the quality of service improves.
- 5.3 Recommendation: That new fees be monitored and increased/added to (as per PAS recommendations) as and when the opportunity arises
- 5.4 Enforcement: At present there is little formal prioritisation of enforcement cases with an emphasis is on getting out on site to view the breach as opposed to actually seeking to resolve the most important cases as expeditiously as possible. This approach alongside the restrictions imposed by the pandemic (where there were more complaints arising from neighbours locked down at home coupled with severe restrictions on site visits) brought about a substantial backlog. Much good work has been done over the last 6 months using a "harms checklist" to reduce the backlogs and it is considered that this approach could equally well be used to triage new cases. Thus, with the improved information generated from the improved enforcement complaint form, we could assess the breach in terms of its planning harm, political impact, criminality or likely precedent and by so doing focus our attentions on the cases where real harm is identified; as opposed to seeking to move across a broad front of 300-400 cases, many of which are either trivial in nature, cause little harm or where the planning system is arguably being used as a tool in a neighbour dispute. Critically there would, with a reduced caseload, be the opportunity to provide better and more focussed enforcement update reports for Members so that they in turn are better informed to enable their community advocacy role in updating/managing expectations of Parish/Town Councils and neighbours. There will clearly be some neighbours who do not see the focus on key cases as being correct and want 'their' case investigated as a priority. However by focussing on the harm caused as opposed merely to the fact that there is a breach this potential source of future complaint can be mitigated to some degree



- 5.5** Recommendation: That the 'Harm Checklist' (Annex A) be introduced at complaint receipt stage to enable greater focus on higher priority/harm/impact cases
- 5.6** Consultation Protocol: A good planning decision is based upon timely and accurate responses from consultees and so a culture has developed of consulting very widely on planning applications to seek to garner as much information as possible. However PAS identified that many of the consultees were not resourced to deliver against the volume of work they were being required to undertake to provide planning responses. This in turn often meant that rather than resolving matters they suggested a condition requiring submission of further information; which then delayed the development whilst this was submitted and processed and further increased the work burden for planners and consultees in having to process the condition discharge applications. Sometimes the time delays waiting for this additional information far exceeded the time to process the main application. PAS were of the view that many decisions could be made without waiting for the consultation response as they were not in fact critical to the decision. This involves a degree of risk management by officers who will need to review who is consulted, whether their responses can be adapted so as to not require further information and whether if the time for response has gone the application can be determined without waiting. Some responses have severe consequences (e.g. some Highways and Flooding responses) and some have legal consequences (e.g. Ecology) but not every one of them. This will need considerable care as to how we can ensure consistency of consultation and whether to wait or determine the application and so it is suggested that a consultation protocol be trialled to ensure that we retain the correct balance between informed decisions versus late decisions awaiting additional but ultimately unnecessary information.
- 5.7** Recommendation: That a 'Consultation Protocol' (Annex C) be adopted.
- 5.8** Member Call In: At present Members have an opportunity to call in applications that would normally be determined under the scheme of delegation; with a requirement that this is done for planning reasons alone. Elsewhere the call in period is applied at the beginning of the process but at CDC it operates at the end of the process. PAS were particularly concerned that this back-ended approach adds considerable delay to the process and critically that it undermined the ability of the officer to negotiate improvements, as the applicant was always aware that a last minute request could take the decision to Committee where all the arguments could be re rehearsed. The process whereby a group of Councillors/Officers decide whether the request is "a planning matter" has also been questioned by PAS; as it is much more common for the local Lead Officer to make that determination. It is therefore suggested that the process is reviewed, potentially looking for the decision to request referral by a Councillor to be made within 28 days of the receipt of the application with the Councillor clearly stating the planning reasons for referral and the decision as to whether they are or are not planning reasons being vested in the Local Lead officer.
- 5.9** Recommendation: That the Constitution Working Party be asked to investigate an approach based upon the above to feed into the next review of the Scheme of Delegation.



- 5.10 Neighbour Notices:** The law requires that applications are advertised by either site notices(s) coupled with some newspaper advertisement or by newspaper advertisement coupled with direct neighbour notification. PAS identified the system that best creates efficiency, utilises the computer systems to best advantage and ensures that those customer who are less IT literate are not disadvantaged was not using direct Neighbour Notification but rather posting a site notice or a number of notices at each site. Additionally, however, as part of the administration process, copies of the site notice are included in the paperwork available to the officer when they visit the site. If they consider that a particular property is affected and they have not had a response from that site as yet then a copy of the notice is posted through the door. This ensures that persons who are directly impacted but who have not seen the site notice or newspaper advertisements are still able to contribute. By encouraging use of on line alerts and submissions via electronic as opposed to paper based methods it also reduces the back office processes. Similarly if the process involves moving to a primarily site notice based method then copies can be sent out directly to applicants to get them to post them- which reduces the need for officers to sometimes make two visits; one to post the notice and a further one following receipt of comments. Some sites will still need to have the notice posted by the officer (e.g. where there is no on site presence) but further cost savings can be generated by not having officers post every notice.
- 5.11 Recommendation:** That following a period of publicity the neighbour notification process be adapted as outlined above to move to site notices, on site posting at officer discretion and applicants to self-post their notice.
- 5.12 Application Negotiation:** It has historically been the case that Officers have worked proactively with applicants to seek to secure them planning permission. This is in accordance with the presumption in favour of sustainable development under which the planning system operates. However this can mean multiple iterations of a scheme have to be registered, processed, negotiated upon and assessed. On some occasions pre application advice may have been given that something needs to have been done, but it is only when the application is written up for refusal that the applicant will make the changes requested. This involves substantial abortive work and can mean that neighbours experience uncertainty for a substantial period of time as the application goes through a series of amendments - rather than being determined. It is therefore proposed that a negotiation protocol be adopted that seeks to limit the number of times that an application can be deferred whilst keeping open the opportunity to resolve minor matters. Where pre application advice has been ignored this restriction on 'endless negotiation' will be strongly applied and where no pre application advice has been applied for then it may be decided to determine the application as tabled
- 5.13 Recommendation:** That a negotiation protocol (Annex D) be adopted, to seek to limit the extent of times an application will be allowed to be amended.
- 5.14 Ecology and Sustainability:** At present the workloads of internal consultees such as trees, forestry, landscape, heritage, design, conservation, architecture, green infrastructure etc. has increased substantially alongside the increase in planning applications. This is likely to increase

still further alongside the impending requirements of Biodiversity Net Gain, the Environment Act and the Habitats Regulations coupled with the workloads that will be required to input into the emerging Local Plans at each site. The resources to deliver against this agenda are currently not sufficient. It is therefore highly likely that separate reports will be made to the Council seeking to address this longer term demand. In the interim the capacity of the team to deal with the volume of work generated from its core application response and serving LP issues is such that they will not be able to take on additional tasks and delivery against some existing targets is likely to slip. A further separate report will be made in due course to address this issue.

6. ALTERNATIVE OPTIONS

- 6.1 Section 5 of this report includes the options and the level of risk associated with each.

7. FINANCIAL IMPLICATIONS

- 7.1 There are no costs associated with either the changes detailed in section 4 or the recommended changes detailed in section 5; no significant costs that cannot be covered within existing service budgets. There will be investment costs in relation to the implementation of IDOX Cloud (The digitalisation of the Planning Service); however these, and the associated ongoing savings, have been highlighted and agreed as part of the Shareholder Innovation Programme. The resourcing needs of the Ecology and Sustainability Service (see paragraph 5.1.13) will have a financial impact but this will be the subject of a separate report.

8. LEGAL IMPLICATIONS

- 8.1 Any legal implications associated with the proposed changes are highlighted within the body of the report.

9. RISK ASSESSMENT

- 9.1 Any risks associated with the proposed changes are highlighted within the body of the report.

10. EQUALITIES IMPACT

- 10.1 There are no adverse effects on the protected characteristics covered by the Equalities Act. An Equalities Impact Assessment has been completed and reviewed by the Business Manager for Business Continuity, Governance and Risk.

11. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 11.1 There is no negative impact associated with these recommendations



COTSWOLD
DISTRICT COUNCIL

12. BACKGROUND PAPERS

None

(END)

Enforcement Harm Checklist

Case Details

1	Contravention No.	
2	Site Address	
3	Alleged Breach	
4	Action Target Date	
5	Priority	
6	Ward	
7	Ward Member	

Relevant Policies and Considerations

8	Enforcement / Planning History	
9	Local Enforcement Plan	
10	Equalities Act	
11	Human Rights Act 1998	

Primary Considerations

Y/N/NA

12	Development	Do the works that have taken place fall within the meaning of development as defined by Section 55 of the TCPA 1990? If Y, go to Q13 – If N, no further action on this form is required and go to Q34	
13	Permitted Development	Is the development permitted development ? If N, go to Q14, if Y no further action on this form is required and go to Q34 Comments (if any):	
14	Breach	Has a breach of control taken place? If Y go to Q15 if N, go to Q34 Comments (if any): i.e is development, but built to approved plans, or mud on road but condition not breached etc	
15	Illegal works	Does the complaint concern illegal works to listed buildings, illegal advertisements, hedge removal and trees covered by a tree preservation order or in a conservation area ? If Y go to Q16– the case needs investigating	

Details of Breach

16	Type of breach	What type of breach has occurred?	Y/N
		a) Operational Development	
		b) Change of Use	
		c) Breach of Condition	
		d) Untidy Land	

		e) Advertisement	
		Comments (if any):	
17	The complainant	Who is the complainant?	Y/N
		a) Member	
		b) Parish Council	
		c) Immediate Neighbour	
		d) Other	
		Comments (if any):	
Impact of Breach			Y/N
18	Conservation area	a) Is the breach taking place in a conservation area ?	
		b) Is the breach potentially causing harm to the character and appearance of the conservation area ?	
		Comments (if any):	
19	Listed Building	a) Is the breach potentially causing harm to the setting of a Listed Building ?	
		b) Has the conservation officer commented on the case?	
		c) If Y , have they raised strong objections to the works?	
		Comments (if any):	
20	Visual impact	a) Do the unauthorised works result in an adverse visual impact on the character of the area or existing property by reason of poor design, incongruous features , etc	
		b) Have you spoken with a planning officer regarding the design?	
		c) Are the works contrary to the Design Guide/ development plan policies ?	
		Comments (if any):	
21	Residential amenity	a) Is the breach having an adverse impact on the residential amenity of neighbouring properties ?	
		b) If Y , How many neighbours is it affecting?	
		c) And in what way are they being affected?	
		(i) Noise	
		(ii) Smell	
		(iii) Light	
		(iv) Overlooking	
		(v) Other	
		Comments (if any):	
22	Stat nuisance	a) Is the breach causing a (potential) statutory nuisance?	
		b) If Y , have you consulted Environmental Protection / Building Control?	
		Comments (if any):	
23	Highway Safety	Is the breach causing highway safety issues?	
		Comments (if any):	
24	Other safety issues	Is the breach causing any other safety issues?	
		Comments (if any):	
25	Protected species	Is the site likely to have protected species present or is there any evidence of habitat disturbance ?	

		Comments (if any):	
26	Trees	Is the breach impacting on trees in a conservation area or protected by a Tree Preservation Order ?	
		Comments (if any):	
27	Flood Zone	Is the development in Flood Zone 2 or 3?	
Harm Caused by Breach			Y/N
28	Extent	What is the extent of the harm caused by the breach?	
		a) Widespread	
		b) Local	
		Comments (if any):	
29	Scale	Is the harm caused by the breach irreversible ?	
		Comments (if any):	
30	Precedence	Could allowing breach to remain erode the Council's ability to enforce elsewhere ?	
		Comments (if any):	
31	Urgency	Is the breach within 6 months of immunity ?	
32	Status	What is the current status of breach?	
		a) Worsening	
		b) Stable	
		Comments (if any):	
33	Planning Permission	Would an application for planning permission be viewed favourably for the development? If Yes go to Q34	
		Comments (if any):	
Conclusion			Y/N
34	Recommended action	No Further Action and close case Not development, is permitted development, limited or no harm, planning permission would likely be granted if applied for, etc.	
		Request Further Information Issue a PCN or seek further information, such as via diary sheets.	
		Invite Retrospective Application If the case is borderline or acceptable with conditions.	
		Ask owner/occupier to remove the development/cease the use Harm which cannot be resolve via a retrospective application and before resorting to a formal notice	
		Serve Notice Harm that cannot be resolved (negotiations have failed or not an option).	
		Serve Temporary Stop Notice or Stop Notice Necessary to stop the breach immediately.	
		Provide specific details:	
Completed by			
35	Case Officer		Date:
Authorising Officer			Y/N

36	Sign off	Do you agree with the Case Officer's recommended action and reasoning ?	
		Comments (if any):	
37	Timescale for Action	What is the recommended timescale for the action to be carried out ?	
		Comments (if any):	
38	Authorising Officer		Date: <input type="text"/>

Forest of Dean District Council, Cotswold District Council and West Oxfordshire District Council (Publica)

Development Management Review

June 2022

1. INTRODUCTION

1.1 Publica is a council owned employment company set up in 2017 to deliver shared services between Cotswold, West Oxfordshire, and Forest of Dean District Councils and Cheltenham Borough Council. More specifically, Planning services are provided to Cotswold, West Oxfordshire, and Forest of Dean District Councils. Each of the councils retain their independence and identity but by working together and sharing resources seek to maximise mutual benefit, leading to more efficient, effective delivery of local services.

1.2 The Planning Advisory Service (PAS) have been asked to undertake a high-level review of the Development Management Services at the three Councils to identify areas where performance could be improved and to identify where best practice might be shared across the area.

1.2 The review has been undertaken by Tim Burton appointed by PAS. PAS is part of the Local Government Association (LGA) and provides high quality help, advice, support and training on planning and service delivery to councils, primarily in England. Its work follows a 'sector led' improvement approach, whereby local authorities help each other to continuously improve. Tim has over 30 years' experience working for local authorities, including most recently as Head of Planning for Taunton Deane and West Somerset Councils. For the last 3 years he has worked with PAS providing a range of support to many local planning authorities, including service reviews, Planning Committee reviews and Member and Officer training.

1.3 The review has been based on the application of the PAS Development Management (DM) Challenge Toolkit with particular emphasis on the sections on performance management, pre-application advice, receipt and validation, consultation and allocation, and officer reports. The toolkit aims to provide a 'health check' for Planning Authorities and act as a simple way to develop an action plan for improvements to their Development Management service. There is a link to the Toolkit at the end of this report.

1.4 The review was initially to be focussed primarily on processes and performance at Forest of Dean District Council. High level data was provided for consideration and a full day visit was carried out on 5th May 2022. This comprised discussions with a range of planning staff, focussing on performance and how this might be improved. It was agreed that Tim should also visit Cotswold District Council and West Oxfordshire Council and meet with staff there. These subsequent visits took place on 6th May 2022. Some information on application process and procedures was shared prior to the visits, However, this report is based primarily on the outputs of discussions with team members and their managers.

1.5 All those interviewed were friendly and welcoming and engaged fully with the process and are thanked for providing their honest opinions and feedback.

2. BACKGROUND

2.1 All three Councils are performing comparatively poorly in terms of the speed of determination for non-major applications. Performance for the period January 2020-December 2021 is 73.5% against a minimum required level of 70% at Forest of Dean. The Council is ranked 311th out of 341 local planning authorities nationally. Cotswold is 314th (72.9%), whilst West Oxfordshire are 316th (72.8%). Against this background, PAS has been asked to provide support to improve performance against and to consider best practice for the planning services delivered by Publica.

2.5 These performance issues have undoubtedly been exacerbated by the impacts of Covid and the need to adapt to remote working, as well as a significant upturn in the number of applications being submitted.

2.6 Caseloads remain high and like many other local planning authorities, each of the Councils has struggled to recruit suitably qualified and experienced planning officers to permanent posts in recent times.

2.7 Whilst each staff team identified specific issues and areas for improvement relating to their own district, there were a number of common themes identified.

2.7 The consultant, in consultation with Phil Shaw (Business Manager, Development Management) has identified six priority areas where improvements are sought. These are: addressing issues associated with consultation; the delivery of a more customer focussed service; pre-application advice and development of a strategy for negotiations; validation processes; performance monitoring and reporting; and attitude to risk.

RECOMMENDATIONS

R1 Work with other services to highlight the importance corporately of timely decision-making in planning and identify where the process can be improved including exploration of a more risk-based approach to whether applications can be determined without waiting for consultation responses and where the introduction of standing advice might help improve performance

R2 Ensure that all staff prioritise the provision of progress updates using extensions of time as the primary method to do so (in such circumstances where an extension may be required). Extensions of time should be requested in all cases where the application will not be able to be determined within the statutory target. This recommendation should be supported by a customer protocol to explain this revised more customer focused approach to service delivery.

R3 Consider giving priority to those cases that have been subject to pre-application engagement whilst taking a more robust approach in other cases; together with a review of pre-application charges to ensure that they are covering the full cost of providing the service

R4 Review management information to reduce reliance on officers devising their own mechanisms (Maximise the use of the Enterprise to provide a range of performance information).

R5 Undertake a review of areas of the service at each Council where greater alignment might be achieved and to identify areas where a less risk averse approach might improve service delivery generally. Areas for review to include consultation and notification, officer reports (including their checking) and issuing of decisions

3. ADDRESSING ISSUES ASSOCIATED WITH CONSULTATION

3.1 Consultation delays were identified as being the key constraint to timely decision-making by all three Councils. Delays to determination associated with ecology responses were a particular concern raised at Forest of Dean, whilst drainage was a major issue for West Oxfordshire. It was acknowledged at all three sites that the approach currently taken to consultation is risk averse and that a more proportionate approach at validation stage might reduce the number of consultations being undertaken and the scale of the issue as a result.

3.2 Whilst consultees generally respond to initial consultation in a timely manner, responding to the additional information requests is considered to be extremely slow, with many applications being delayed for several months. If additional information is sought, it is inevitable that the application will not be determined within the eight-week period. It is understood that monitoring of performance only looks at the initial responses and therefore the extent of the problem has been largely hidden

3.3 It was suggested that whilst the importance of timely decision-making in planning is recognised corporately, this does not appear to be reflected in the priority given to responding to planning consultations by other Council services. Within the sample of applications reviewed several applications were delayed by several months awaiting consultation responses. Whilst the planning teams have sought to find solutions to improve turnaround times, performance in this area is largely beyond their control. Therefore, corporate recognition of the importance of timely decision-making in planning needs to be translated into prioritisation of such work across other Council services if performance is to improve.

3.4 The planning teams claimed that they try to take a pragmatic view on whether applications can reasonably be determined without waiting for outstanding consultation responses. However, reference was made to a general unwillingness from Councillors to make decisions in the absence of a final consultation response at both Forest of Dean and Cotswold. In order to speed up the process and reduce the burden of work for consultees it is recommended that the number of consultations undertaken be reviewed and a more risk-based approach taken.

3.5 The production of standing advice can act as a useful way of ensuring technical issues are addressed, whilst reducing the workload for consultees. Whilst there will always be cases where

bespoke advice is required, the introduction of more standing advice could have a major impact upon the speed of determination in many instances.

4 THE DELIVERY OF A MORE CUSTOMER FOCUSSED SERVICE

4.1 Each of the three Councils have traditionally performed well against its planning performance targets. However, for a variety of reasons as has already been set out, performance has declined recently, with decisions on non-major applications routinely taking longer than eight weeks to determine.

4.2 Planning is no different to other customer facing services, whereby those seeking a service should have a right to expect to be kept up to date on progress of their application, particularly in circumstances where the timescales become protracted. The use of an extension of time is the appropriate mechanism to agree a programme for the determination of their application with the applicant or agent when it cannot be determined within the target time. Whilst the Councils should not find themselves in such a position whereby, they need to be used as a matter of course, they can be a key tool to be used in the delivery of good customer service. They are particularly useful when determination times are protracted (as they currently are for various reasons that are identified elsewhere in this report).

4.3 Planning staff, as well as their managers, acknowledge that insufficient focus may have been given to the need to agree the period for determination with the developer or their agent and to review this as may be required. Whilst individual case officers will vary in their responsiveness to customers, the overall impression is that keeping applicants apprised of progress and agreeing extensions of time has not been seen as a top priority. None of the Councils have traditionally seen the use of extensions of time as an integral part of service delivery. With resource issues and other matters (as outlined elsewhere) meaning that performance against an eight-week target has declined, the need to agree extensions of time as a fundamental part of customer liaison has not been appreciated. The reviewer got a clear impression that use of extensions of time had in effect been seen as 'cheating' ie. a means of hiding poor performance. If the Councils are failing to determine applications within the statutory target and not agreeing extensions of time, it is inevitable that performance against the relevant target will suffer.

4.4 An unwillingness to agree extensions of time on the part of developers has not been identified as being a significant contributor to the decline in performance when measured against the 70% target for the determination of non-major applications. Issues around staff vacancies, staff absences during Covid and the need to adapt to new ways of working as a result of Covid restrictions were all identified as having a greater detrimental impact upon performance. In these circumstances, the need to agree extensions of time where necessary must be given a higher priority.

4.5 A more structured approach to liaison with applicants and their agents, that sets out expectations in terms of determination timescales, could be incorporated into the initial acknowledgement letter, confirming that the Council will be proactive in requesting an extension

of time prior to expiry should this prove to be necessary. Applicants should be made aware of likely decision times and extensions of time should be agreed when both parties agree it is appropriate, and in all cases well in advance of the decision. Whilst this approach should reduce the need for developers and their agents to chase progress, the letter could include the case officer details with their working patterns included to enable them to be contacted if required.

4.6 The Council should seek to publish as much information as possible on its website to minimise the need for direct customer contact. West Oxfordshire operate an alert system, which could be further developed and applied to the other Council areas.

4.7 This revised approach to customer interaction would benefit from being set out in a 'customer protocol' to be shared at an Agents forum as a reset in the relationship between agents and their Council. To encourage the take up of extensions of time the Councils may also wish to consider whether priority is given to those cases where the determination will be in accordance with the target or where an extension of time has been agreed.

4.8 Information on performance should be shared with the team and should be discussed at team meetings as well as part of individual performance assessments and 1-2-1s.

5. PRE-APPLICATION SERVICE AND THE DEVELOPMENT OF A STRATEGY FOR NEGOTIATIONS

5.1 All three Councils take a similar approach in seeking to negotiate a positive outcome wherever possible. However, it is questioned whether the approach currently demonstrates best use of a limited resource.

5.2 The Councils see their pre-application advice service as a key component of the delivery of a positive and proactive planning service. Pre-application engagement is encouraged and prioritised accordingly.

5.3 However, the ethos of seeking solutions to enable the granting of permission wherever possible also extends to those proposals where the developer has not engaged pre-application, or failed to take advice. Therefore, it is questioned why a developer would pay for a 'pre-app' if the Council is still going to seek to negotiate a positive solution with them even when they have declined early engagement.

5.4 Whilst a desire to get to a position where a planning permission can be granted wherever possible is a laudable one, the current approach would appear unsustainable based upon the resources available and is undoubtedly a contributory factor in the failure to meet performance targets. In order to encourage an increase in take up of pre-application engagement and enhanced performance in the determination of non-major applications, the Councils may wish to consider restricting negotiation following the submission of an application to cases where the developer has first sought and responded positively to pre-application advice. Other applications would then generally be determined based upon the merits of the proposal as submitted. This

more robust approach would reduce the amount of officer resource taken up with negotiation significantly as well as giving further emphasis to the importance of pre-application engagement. It is important that any change in approach be communicated to developers and also gets buy-in from elected members in advance of its implementation.

5.5 All of the Councils now charge for a pre-application service, although it is understood that Forest of Dean have only recently started charging. If it is deemed not to be a subsidised service, it is important that charges reflect the true cost of providing the service. It would not appear that this is always the case. The DM Challenge Toolkit advises Councils to ask applicants what services they would benefit from; to undertake a time recording exercise to establish the actual cost of particular pre applications and set fees accordingly; to seek customer feedback on value for money; benchmark with similar Planning Authorities to identify appropriate costs. It also advises that fees should be reviewed at least annually using an inflationary measure (e.g. RPI) as a benchmark for price rises.

6. VALIDATION PROCESSES

6.1 Validation is undertaken by a centralised validation team. Whilst there are clearly resource and resilience issues within this team currently, the general approach to validation appears to be a sound one. Indeed, the resource and resilience issues would likely to have been far greater without the adoption of a shared service approach. Whilst staff at Cotswold District Council explained benefits from their previous approach whereby the case officer was responsible for the validation of their applications, the principle of freeing up case officer time in times of constrained professional resource is a sound one and there is no reason why the current approach cannot be successful. At West Oxfordshire the allocating officer is responsible for identifying the consultees. Adoption of this approach elsewhere might address many of the concerns raised around validation becoming a 'tick box' exercise.

6.2 Concerns were also raised around errors occurring in the validation process. The resource and resilience issues leading to limited capacity for training may well be a contributory factor in the number of issues occurring at this point in time. However, resolution of the current resilience issues should alleviate the problem as perceived and does not suggest the need for the adoption of an alternative approach to validation. Up to date and consistent validation checklists will also help to reduce the number of errors being made. It will be important to get buy-in from all staff to this new approach to validation (particularly as this represents a radical shift from that previously applied at Cotswold).

7. PERFORMANCE MONITORING AND REPORTING

7.1 Information available to monitor performance and identify deadlines is generally considered to be poor at each Council, relying on officers and managers to invent their own systems. Deadlines are inevitably being missed simply because staff and their managers are unaware of them. The implementation of Enterprise needs to resolve this issue, with less reliance on officers

to identify their own deadlines and giving managers better information with which to monitor individual staff performance.

7.2 The DM Challenge toolkit identifies a good planning service as one that regularly monitors the statutory performance measures (at least every month), has a variety of qualitative and quantitative performance measures that are important to the Planning Authority including a customer feedback performance target. In order to improve performance in this area, performance information needs to be readily at hand and officers alerted when extensions of time need to be agreed. As is recommended in the Toolkit, the Council is advised to review management information to reduce reliance on officers devising their own mechanisms (Make use of the Planning software to provide performance information/Different staff need different information). A system also needs to be in place to ensure that extension of times are being recorded accurately. Data needs to be in real time, including standard workload reports for each officer that can be run at any time. Reports need to be able to be easily read and explain performance through the use of graphs, comparisons etc.

7.3 The lack of readily available real time performance information is seen as having been a major constraint to performance for both case officers and those who manage them. The introduction of Enterprise provides the ideal opportunity to incorporate high quality real-time reporting and alerts. The DM Challenge Toolkit states that 'project management software should allow an officer to understand whether their application is on track eg. A traffic light system'. The availability of information for all staff should also help to reduce the reliance upon case officers to inform applicants and other interested parties of their application's progress towards determination, as well as helping officers manage their own caseload. Greater use of staff other than the case officer to provide updates should be able to be more effective if the necessary information is easily accessible. There is already some good practice at West Oxfordshire in terms of alerts and notifications, which could be applied more widely.

7.4 Enterprise should provide quarterly information on applications received and applications that are valid (the numbers to be broken down into gross number and by case officer and not yet validated/invalid/valid, plus what type of application they are). There should be the ability to run a report by each area for all of the team to compare performance across the teams. It should outline the number of applications determined/how long it has taken for them to be determined to include where an extension of time has been agreed, as well as data on pre-apps, appeals and fee income.

7.5 This access to performance data should enable more informed performance management practices to be applied. This does not always appear to have been the case previously and represents a huge opportunity to improve overall team performance.

8. ATTITUDE TO RISK

8.1 There are areas where each of the Councils appeared to the reviewer to be overly risk averse. Staff at each of the Councils recognised this and that in light of limited resources a more risk-based approach could be applied. The reviewer is aware that Cotswold DC undertook a process re-engineering exercise prior to the formation of the Publica partnership. The general impression given by those staff who spoke to the reviewer there was that the 'Cotswold approach' had been successful in delivering a high-quality service. However, whilst there may be some reluctance to move away from what was perceived as being good practice, the realities around resources and a desire to align the three services would indicate the need to undertake a wide-ranging review to determine where greater risk might be taken to improve speed and efficiency and ensure that limited resources are being best utilised.

8.2 West Oxfordshire District Council have adopted an approach whereby site notices are relied upon, and individual householders are not notified of proposals directly. This undoubtedly represents a considerable saving in time and money, and it was suggested has not reduced public participation. Whilst this approach may not be seen to be appropriate by the other Councils, other options to publicise applications more cheaply and effectively could be explored.

8.3 In response to Covid restrictions, many local planning authorities have begun to rely upon applicants to display site notices and to provide evidence of doing so in the form of a photograph. This approach will normally result in the site notice being displayed more quickly and can also avoid the need for the case officer to undertake a site visit in certain circumstances.

8.4 Whilst it is important that officer reports provide enough information to understand and justify the recommendation made, there was a recognition at both Cotswold and Forest of Dean that a risk averse approach was leading to reports that were comprehensive in terms of their content even for relatively straightforward proposals. The DM Challenge Toolkit advises Councils to create different report templates for different types of applications e.g. householder, minor commercial, minor residential, major etc. The officer report follows a template and the template changes depending on the type of application and the decision made. Reports for householder applications can be very short unless the decision is to refuse or a Planning Committee item. Major application reports will need to include additional information such as S106 requirements. If an application is being refused it is helpful if it is written in a form that can be used as a written representations appeal statement or sent to the Planning Inspector without any further additional information. The Councils are advised to use best practice to design a number of templates for different types of applications and decisions, including a tick box report for very straightforward householder applications.

8.5 The use of standard wording can ensure that officers include key information e.g. housing supply, Equality Act, Human Rights Act etc. At Forest of Dean in particular, an impression was given that officer reports were being checked in detail by managers (including checking of spelling, grammar etc.). This does not represent best use of managers time and a lighter touch approach could be taken. However, it will be incumbent upon case officers to be more rigorous in

their own checking in future, rather than knowing that if they make an error, someone else will correct it. It is hoped that case officers would respond to a culture where officers have greater responsibility for their own decisions in a positive fashion.

8.6 In order to minimise delays in the issuing of decisions, it is important that a number of senior officers are authorised to sign off decisions.

8.7 At Forest of Dean in particular, the process for the issuing of decisions appears unnecessarily complex. If the report has been signed off by a senior manager, there would seem to be no reason why it then has to be referred back to the case officer for a further check before it is issued. Removal of this additional handover would reduce the potential for delay.

8.8 When considering adopting a greater attitude to risk, it will be important to get buy-in to new ways of working from the staff at each Council. Moreover, it will need to be explained to Councillors that a more risk-based approach is essential if performance is to be improved. Individual officers should not be criticised unduly should more mistakes occur as a result.

8.9 The scheme of delegation at Cotswold DC allows for Councillors to call applications in to the Planning Committee at the end of the process, meaning that almost inevitably those applications will not be able to be determined within the statutory time period. This is not seen as being good practice and it also unnecessarily extends the period of uncertainty for all parties involved. It is recommended that consideration be given to revising the time period for call-in to align with that for representations (ie 21 or 28 days from the date of notification).

9. CONCLUSION

9.1 During the most recent assessment period none of the Councils are performing well when judged against the government's performance target in relation to non-major applications. Whilst this can, in part, be attributed to an increase in the number of applications being submitted, resource issues and the need to respond to Covid19 related challenges, these are issues are equally being faced by a significant proportion of Councils across the country. Therefore, it is important that performance is improved to ensure that none of the Councils become at risk of designation as well as improving the service provided to developers more generally.

9.2 A step change in terms of the priority the Councils gives to agreeing timescales for determining applications with applicants and agents, based upon a far more rigorous approach to seeking extensions of time should deliver demonstrable improvement to performance in the period to the end of 2022. The implementation of the other recommendations in this report will assist the Councils in reducing overall determination times resulting in the need to agree extensions of time becoming a less frequent requirement in the future.

PAS Development Management Challenge Toolkit

<https://www.local.gov.uk/pas/development-mgmt/development-management-challenge-toolkit>

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Consultation Protocol

Making a good planning decision relies upon being well-informed. As such, effective consultation with other stakeholders and consultees is essential if well-informed decisions are to be made. However, this can lead to a tendency to over consult (as a safety net) and to wait for every consultee to reply before issuing a decision. This is inefficient and causes unnecessary delay and the PAS report of May 2021 identified these delays as being a major component in inhibiting timely determination of applications. This document sets out the roles and responsibility of those engaged in consulting upon applications and subsequently considering those responses with a view to ensuring that consultation is effective, efficient and targeted at securing the right information whilst not delaying determination unless that is essential for legal or other reasons

Admin/Validation Team

Undertake the Statutory consultations as per the GPDO

Use the "Who to consult list" to sense check and input non stat consultees

Check with a planner/Heritage Officer if unsure or it is an unusual application

Over consult rather than under consult at the initial stage if there is any doubt

If amended plans require re-consultation check with officer if same list is appropriate or if it can be more targeted

Planning Officer/Heritage Officer

Upon receipt of file, check who was consulted by admin/ validation and add any missing ones if required

Chase late responses for Statutory consultees as part of case management to ensure they are received in good time

Reconcile competing responses with the consultees at the earliest opportunity eg is the hedge that highways want removing the same one the ecologists are saying must stay?

When the 21 day consultation period has expired make a conscious decision as to whether any outstanding responses are 'nice to have' or 'need to have' before decision can be made. This will in part be based on a professional judgement as to what is key to the decision (eg safety or legal necessity). Ask the question as to whether anything the consultee could say would be likely to change the recommendation and if not proceed to determine the application. Address the lack of response from the consultee and assess the pertinent issue in the case officer's report.

When assessing conditions that are being suggested by consultees, ensure that they meet the 6 tests set out before a condition can be imposed and in particular that they do not unnecessarily ask for more info that we should dictate now ie can we prescribe what is required as opposed to asking for details and hence causing additional work and delay. If conditions are to be changed check back with the consultee to explain why that is the case

When considering a consultee based refusal if we are going to seek support from a specialist consultee at Appeal we need to ensure that they are happy with the reason even if they are only lack of info

Signing Off Officer

Sense check the above and issue decision

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Negotiating Submitted Applications

Procedure Note 2023

Overall, the vast majority of planning applications received are granted permission and a significant number of these will involve some form of negotiation.

Negotiations during the course of an application are an important part of the planning process. They enable schemes to be amended and improved to:

- meet the requirements of technical consultees & policies
- address responses of neighbours, consultees, Town/Parish Councils and Councillors
- allow for a pragmatic response to the needs of developers/applicants
- ensure that, together, we maximise the opportunity to deliver the best possible schemes.

The facility to make amendments is, however, not an alternative to a properly thought through and prepared application. The preference, in accordance with national Planning policy & best practice, is for negotiation to take place before the application is submitted - as this speeds up the process. We encourage discussions via our pre-application advice service. Pre-application advice will generally give more certainty at an earlier stage and help resolve issues so that speedier decisions can be made when the application is submitted.

A key part of every planning case officer's role is to make a recommendation on the acceptability or otherwise of any planning application. Having considered all relevant factors, the case officer might conclude that the proposal is unacceptable for a number of reasons. In this case a further judgement is required on whether negotiations are appropriate to be carried out in an attempt to make the scheme acceptable or whether the application should instead be refused.

When we negotiate

A number of factors will influence this judgement, but the main ones are policy considerations and the scale and nature of the amendments required.

Planning applications under consideration typically fall into one of the following categories:

1. Scheme acceptable as submitted - **Approval without negotiation**
2. Scheme fundamentally unacceptable as submitted - **Refusal without negotiation**

If the proposal is clearly contrary to policy for example, it is unlikely that negotiations can overcome this. In these cases, the planning case officer will proceed to progress the application to a determination. Similarly, if the scheme is substantially sub-standard, perhaps in a number of different respects, the presumption is that it will be progressed towards a decision without negotiations being undertaken. The reasons for refusal will advise the applicant or agent what the problems are so that they can seek to address these in a re-submitted application, if they wish to do this, or to give them the earliest opportunity to seek review of the decision via the Appeal process.

3. Scheme unacceptable as submitted but needs only minor amendments to make it acceptable which would not materially alter the application and which would (generally) not require re-consultation – **Approval following negotiation.**

If the scheme only requires a relatively minor change to make it acceptable, the presumption is that negotiations will be undertaken to obtain satisfactory amended plans before the application is put forward for a decision. Whether any amendments are considered to be 'minor' is addressed in more detail below.

4. Scheme is unacceptable as submitted but needs minor amendments or further information to meet the objections or concerns of a consultee and no other third parties need to be reconsulted – **Approval following negotiation.**

Sometimes, people who are consulted on an application (including external consultees such as the Highway Authority, Environment Agency, Natural England, etc and internal consultees such as other Council departments) require changes to be made to the plans or additional information to be submitted. In cases such as this, negotiation and amendments may be acceptable in certain cases and this is addressed in more detail below.

How do we assess if a scheme needs only minor amendments? (see point 3 above)

In the first instance we ask two questions;

Q1 - would the amendment materially alter the application? If YES, a fresh application is needed and amended plans will not normally be accepted.

Q2 – would any re-consultation with the Town or Parish Council or neighbours on any amendment be needed? If YES, a fresh application is normally needed and amended plans will not be accepted.

Whether the amendments comprise a material alteration and/or whether re-consultation is needed is a matter for the planning case officer. It depends on the nature and scale of the amendments and any comments that have been received from third parties. The Council will consider the use of extensions of time should it be considered appropriate to do so to progress a scheme, but the Council will normally only accept a single amended set of plans to overcome any issues raised by officers in such circumstances.

Some common examples where **amendments will not normally be accepted** are set out below;

- Significant changes to the character or appearance of the development eg
 - Design changes that have a singular or cumulative material impact on any neighbours or the public realm
 - Changes to the application site boundary
 - Significant changes to the site layout
 - Significant changes in scale such as the increase in the footprint of a new building or extension
- Material changes to the description of the development (other than removing elements from the scheme):
- Addition of new elements to the originally submitted proposal eg
 - Additional extensions
 - Additional openings facing neighbouring properties
 - Additional information such as Traffic Impact Assessments
 - Additional survey work such as ecological surveys

Please note we will generally accept minor amendments (without re-consultation) to an application where those amendments are made to address the concerns of respondents or where the details of the amendments have been clearly presented at Committee and have been accepted as being required to reach a decision.

When will we accept amendments to address the concerns of a consultee? (see point 4 above)

In the first instance we ask three questions;

Q1 – Can the amendment/additional information be provided within the statutory time period for determination (or a single agreed extension of time eg to meet a consultee timeframe)?

If the answer is YES, we move to Q2. If the answer is NO, amended plans and/or additional information will not be accepted

Q2 – Can the comments of the consultee on the amendment/additional information supplied also reasonably be received within the statutory timeframe (or agreed extension of time)?

If the answer is YES, we move to Q3. If the answer is NO, amended plans and/or additional information will not be accepted

Q3 – Will anyone other than the consultee need to be re-consulted?

If the answer is YES, amended plans and/or additional information will only be accepted at the discretion of the planning case officer or Development Manager.

What happens if we ask for amended plans or to provide additional information?

If we seek to amend plans and the case officer confirms that they will accept such amendments as part of the current application, the case officer will give a date by which to submit the plans and any additional information.

If the amendments are not received by the date given, we will generally determine the application as it stands.

We will not accept amendments after the date given by the case officer.

The dates given by the case officer will vary according to the case officer's workload and priorities at the time. In some cases the time period given for amendments to be submitted may be short. In all cases we will try our best to advise applicants of the need for amendments as early in the process as possible.

The expectation is that only one round of negotiation and, if necessary, re-consultation with a consultee, will be entered into per application. Similarly endless extensions of time is unfair to third parties and so the expectation will be that only one such extension will be agreed.

Applicants and agents to be encouraged NOT to submit amended plans unless invited to do so by the case officer. If amended plans are received without being requested, it is a matter for the discretion of the case officer whether those plans are accepted or not.

NB No guidance note can cover all eventualities. In some circumstances (eg to avoid an appeal/for political or procedural or practical reasons etc) , exceptions to the above approach may therefore be allowed at the discretion of the relevant Principal Officer or Development Manager.

DEVELOPMENT MANAGEMENT – PRE-APPLICATION & DISCRETIONARY FEES (April 2023)		
PROPOSED FEE LEVELS FOR PRE-APPLICATION (AND RELATED) ADVICE (April 2023)	Fee (VAT included)	Notes
Advice category		
Is planning permission required? (to include a search of our records to ascertain whether permitted development rights have been removed)	£75	The Planning Portal provides guidance on the need for planning permission for the majority of development types and proposals, and customers are advised to use this tool prior to contacting the Council for advice on whether planning permission is required. If a formal decision is required, an application for a Lawful Development Certificate for a Proposed use or development should be submitted.
Is listed building consent required?	£100	If a formal decision is required, an application for a Certificate of Lawfulness of Proposed Works to a listed building should be submitted.
Is a building or structure considered to be curtilage listed?	£100	If a formal decision is required, an application for a Certificate of Lawfulness of Proposed Works to a listed building should be submitted.
Has a planning condition or S.106 legal agreement clause been complied with?	£50 (+ 50 ph) for complicated requests – taking more than 1 hour to be agreed in advance)	For many queries relating to compliance with planning conditions, the customer is able to self-serve (from web and paper files) to find this information.

Simple householder advice (does not include advice relating to development proposals for listed buildings)	£75	Covers simple queries relating to the acceptability of householder development proposals. The response will be brief and will not include a site visit or a meeting and covers a maximum of 2 hours officers time.
Complex householder advice (including advice relating to development proposals for listed buildings)	£500 +£75 if a site visit is required	More comprehensive advice that may require the input of more than one Officer. It is sometimes not necessary to hold a meeting or to carry out a site visit and attendance at a site visit or a meeting will be at the discretion of the Council; however there will be an additional site visit fee. This service includes (including meetings and travel times should they be outside the office) 10 hours of case officer time (Including 2 hours of Specialist time where required). The response will consist of a written response (or alternatively, with agreement, by feedback at a meeting).
Each subsequent hour of officer time above the stated limit (to be agreed in advance) including specialist officers time.	£50	
Any subsequent response to further amendments	£200	
Any subsequent meeting or site visit	£150	
Minor development		
<ul style="list-style-type: none"> 1 dwelling (including replacement dwellings and holiday let/tourist accommodation) 	£660	Comprehensive advice that is likely to require the input of more than one Officer. It is sometimes not necessary to hold a meeting or to carry out a site visit and attendance at a site visit or a meeting will be at the discretion of the Council; there will not be an additional fee for the initial site visit. The fee stated is for a maximum of 10 hours officers (including specialists) time (meetings and visits inclusive) and any additions will be charged as above. The responses will consist of a written response (or alternatively, with agreement, by verbal feedback at a meeting).
<ul style="list-style-type: none"> Provision of up to 200 square metres of floor space for other uses e.g. equestrian/retail/commercial/industrial/mixed development 	£300	

		The same fee will apply for requests for pre-application advice on reserved matters details.
Additional hour(s) of officer time (including specialist officers) to be agreed and paid in advance	£50	
Any subsequent response to further amendments	£150	This fee will be to review any revised plans or documents and is limited to 2 hours of officer time.
Any subsequent meeting	£250	
Minor development		Comprehensive advice that may require the input of a number of Officers. It is sometimes not necessary to hold a meeting or to carry out a site visit and attendance at a site visit or a meeting will be at the discretion of the Council; there will not be an additional fee for the initial site visit or meetings contained within the time limit.
<ul style="list-style-type: none"> • 2 - 9 (inclusive) dwellings (including replacement dwellings and holiday let/tourist accommodation) 	£1,000	
<ul style="list-style-type: none"> • Development of less than 0.5 hectares for residential use (if number of dwellings/units is not known) 	£500	The response will consist of a written report (or alternatively, with agreement, by verbal feedback at a meeting).
<ul style="list-style-type: none"> • Provision of 200-1,000 square metres of floor space or 0.5 hectares for other uses (where floorspace not known) e.g. equestrian/retail/commercial/industrial/ mixed development 	£500	For those sites where floorspace or housing numbers are not known, general in principle advice will be given commensurate to the amount of information provided to the Council.
<ul style="list-style-type: none"> • Development of land for other uses e.g. equestrian/retail/commercial/industrial/mixed development use with a site area of upto 1 hectare 	£500	
<ul style="list-style-type: none"> • Change of use of land or buildings 	£500	These fees are limited to 10 hours officer (including specialist) time (meeting and initial site visits included) and additional fees will be charged as stated but agreed in advance with clients.

Additional hour (s) of officer and specialist time (to be agreed and paid in advance)	£60	
Any subsequent response to further amendments	£150	
Any subsequent meeting	£250	
<p>Major applications (other)</p> <ul style="list-style-type: none"> • 10 – 199 (inclusive) residential units • Residential development (where the proposed number of units is not specified), with a site area of 0.5 hectares or more and less than four hectares • Provision of 1,000 - 9,999 square metres of floor space for other uses e.g. equestrian/ retail/ commercial/industrial/ mixed development • Development of land for other uses e.g. equestrian/retail/commercial/industrial/mixed development with a site area of one hectare or more and less than two hectares 	£2,000	<p>For major applications, we encourage applicants to use Planning Performance Agreements (click the link for further information on PPAs).</p> <p>Comprehensive advice that may require the input of a number of Officers. It is sometimes not necessary to hold a meeting or to carry out a site visit and attendance at a site visit or a meeting will be at the discretion of the Council; there will not be an additional fee for the initial site visit.</p> <p>The fee includes 15 hours of officer (including specialists) time and any additional time will be billed as per the schedule.</p> <p>The response will consist of a written response (or alternatively, with agreement, by verbal feedback at a meeting).</p>
An hour of additional officer (including specialist) time (to be agreed and paid in advance)	£75	
Any subsequent response to further amendments	£250	
Any subsequent meeting	£500	
Major applications		For major applications, we encourage applicants to use Planning Performance Agreements (click the link for further information on PPAs) .

<ul style="list-style-type: none"> • 200 or more residential units • Residential development (where the proposed number of units is not specified) with a site area of four hectares or more • Provision of 10,000 square metres or more of floor space for other uses e.g. equestrian/retail commercial/ industrial/ mixed development • Development of land for other uses e.g. equestrian /retail /commercial / industrial / mixed development with a site area of two hectares or more 	£4,000	<p>Comprehensive advice that may require the input of a number of Officers. It is sometimes not necessary to hold a meeting or to carry out a site visit and attendance at a site visit or a meeting will be at the discretion of the Council; there will not be an additional fee for the initial site visit.</p> <p>The response will consist of a written response (or alternatively, with agreement, by verbal feedback at a meeting) and will contain 25 hours of officer (including specialists) time with additional to be as below and agreed and paid in advance.</p>
Any subsequent response to further amendments	£500	
An hour of additional officer (including specialist) time (to be agreed and paid in advance)	£100	
Any subsequent meeting	£750	
DEVELOPMENT MANAGEMENT – Other Discretionary fees		
General Policy/CIL/S106 related Advice	£150 per hour of officer time.	For those requests that will be longer, the fee will be agreed in advance.

Annex E

General Planning or other related advice not covered above	£100 per hour	
Assistance with filling in a planning application form or other related planning document.	£75 per hour	This is to assist members of the public in filling out forms only and can be done via telephone, email or if agreed in advance in person.
Admin charge for applications not submitted on the Planning Portal i.e postal or email.	£25 per application	This charge is to cover the extra time taken to upload applications to the system and any associated printing etc. Please note the Portal charges a similar fee.
Charging for invalid applications (that have not been made valid within 28 days or as indicated/agreed by the Councils validation team).	Householder, advertisements Certificates of Lawfulness & Prior notifications - £50 Minor Applications - £100 Major Applications - £200	The charge is to cover admin costs for corresponding, processing, assessing the validity etc of un-progressed planning applications. The charge will be taken out automatically of any fee to be returned with the application.
Copy of Decision Notice, TPO, Appeal Decision Notice, Enforcement Notices, S111 etc	£30 per document	Most of these are available via self service, The Council will sign post requests to this free option but if officers are required to print, find or sent such documents then the charge will be implemented in advance of delivery.
Copy of S106 or Agreement	£50 per document	See above.

<p>Charges for paper copies of applications</p>	<p>Charge per whole application should all documents be requested.</p> <ul style="list-style-type: none"> • £25 per Householder • £50 per Minor/Other • £100 per Major <p>Charges per plan are based on the costs to copy and send out the document and are per sheet.</p> <p>A0 - £8.00 A1 - £7.00 A2 – £6.00 A3 - £5.50 A4 - £4.50 A4 – subsequent copies £0.50</p>	<p>Planning applications are available online to view, and can be printed at home or at any other location. The Council will sign post requests to the website for self service but should paper copies be required then the charges here apply. The costs set out here are to cover the time, equipment and postage incurred by the Council for distributing copies of such documents.</p>
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Pre 2023 pricing Schedule

Types of development and fees

All costs will have 20% VAT added. If there are any other additional fees, for example, for specialist advice, we will let you know.

Type of development	Initial meeting or written response	Additional response	Additional meeting	Meeting on site
Major 200 or more units	£2180	£163.50	£545	£218
Major 10 to 199 units	£1090	£163.50	£545	£218
Minor 1 to 9 units	£500	£100	£150	£200
Complex applications	£545	£109	£163.50	£219



COTSWOLD
DISTRICT COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE WORK PLAN

Overview and Scrutiny Committee

The Council currently operates the Strong Leader and Cabinet form of governance. The Council has appointed one Overview and Scrutiny Committee which has the power to investigate Cabinet decisions and any other matters relevant to the district and its people, making recommendations to the Council, Cabinet or any other Committee or Sub-Committee of the Council. Scrutiny has an important role in holding the Cabinet to account and in contributing to policy development. The Council has agreed an Executive Scrutiny Protocol to guide how Cabinet and the Overview and Scrutiny Committee will interact with each other.

The Overview and Scrutiny Committee operates a work plan which is agreed annually but provides for flexibility to enable the Committee to respond to emerging issues or priorities. The work plan will include a mix of Cabinet reports that have been selected for pre-decision scrutiny, and reports on other Council services, topics or issues which have been specifically commissioned by the Overview and Scrutiny Committee.

In setting and reviewing its work plan, Scrutiny will be mindful of the constraints of the organisation and will take advice from officers on prioritisation, which may be informed by the following considerations (TOPIC criteria):

Timeliness: Is it timely to consider this issue?

Organisational priority: Is it a Council priority?

Public Interest: Is it of significant public interest?

Influence: Can Scrutiny have meaningful influence?

Cost: Does it involve a high level of expenditure, income or savings?

Call in

The Overview and Scrutiny Committee will consider any “call-in” of a decision that has been made but not yet implemented. This enables the Committee to consider whether the decision made is appropriate given all relevant information (but not because it would have made a different decision). It may recommend that the Cabinet, a Portfolio Holder or the Council should reconsider the decision. (It should be noted that Cabinet does not have to change its decision following the recommendation of the Overview and Scrutiny Committee).

Item	Key Decision (Yes / No)	Open or exempt?	Date of Meeting	Cabinet Member	Lead Officer
Development Management Improvement Programme	No	Open	13 Jun 2023	Cabinet Member for Development Management and Licensing - Cllr Juliet Layton	Assistant Director for Resident Services
Crime and Disorder	No	Open	11 Jul 2023	Cabinet Member for Communities and Public Safety - Cllr Lisa Spivey	Community Wellbeing Manager
Q4 Performance Report	No	Open	17 Jul 2023	Leader of the Council - Cllr Joe Harris	Performance and Policy Analyst
Procurement and Contract Management Strategy - Draft for Consultation	Yes	Open	17 Jul 2023	Deputy Leader - Cabinet Member for Finance - Cllr Mike Evemy	Assistant Director for Business Services
Rural England Prosperity Fund	Yes	Open	17 Jul 2023	Cabinet Member for Economy and Council Transformation - Cllr Tony Dale	Economic Development Lead
Q1 Performance Report	No	Open	4 Sep 2023	Leader of the Council - Cllr Joe Harris	Performance and Policy Analyst

Q1 Financial Performance Report	No	Open	4 Sep 2023	Deputy Leader - Cabinet Member for Finance - Cllr Mike Evey	Chief Finance Officer
Q2 Financial Performance Report	No	Open	4 Dec 2023	Deputy Leader - Cabinet Member for Finance - Cllr Mike Evey	Chief Finance Officer
Q2 Performance Report	No	Open	4 Dec 2023	Deputy Leader - Cabinet Member for Finance - Cllr Mike Evey	Performance and Policy Analyst
Per B C C Budget and Medium Term Financial Strategy 2024/25	Yes	Open	5 Feb 2024	Deputy Leader - Cabinet Member for Finance - Cllr Mike Evey	Chief Finance Officer
Q3 Performance Report 2024	No	Open	4 Mar 2024	Leader of the Council - Cllr Joe Harris	Performance and Policy Analyst
Q3 Financial Performance Report 2024	No	Open	4 Mar 2024	Deputy Leader - Cabinet Member for Finance - Cllr Mike Evey	Chief Finance Officer
Housing	No	Open	To be determined in consultation with key	Cabinet Member for Communities and Public	Business Manager for Housing

			officers	Safety - Cllr Lisa Spivey	
Car Parking	No	Open	To be determined in consultation with key officers	Cabinet Member for Economy and Council Transformation - Cllr Tony Dale	Maria Wheatley, Mandy Fathers
River Quality/Sewage	No	Open	To be determined in consultation with key officers	Cabinet Member for Communities and Public Safety - Cllr Lisa Spivey	Business Manager for Development & Sustainability
Local Plan partial review and Neighbourhood Planning update	No	Open	To be determined in consultation with key officers	Cabinet Member for Planning and Regulatory Services - Cllr Juliet Layton	Forward Planning Manager
Climate and Ecological Emergency	No	Open	To be determined in consultation with key officers	Cabinet Member for Climate Change and Sustainability - Cllr Mike McKeown	Climate Emergency Lead
Review of Leisure and Cultural Services provision	No	Open	To be determined in consultation with key officers	Cabinet Member for Health, Leisure and Culture - Cllr Paul Hodgkinson	Scott Williams
Public Business Plans	No	Open	To be determined in consultation with key officers	Leader of the Council - Cllr Joe Harris	Managing Director



COTSWOLD
DISTRICT COUNCIL

**EXECUTIVE FORWARD PLAN
INCORPORATING NOTICE OF DECISIONS PROPOSED TO BE TAKEN IN PRIVATE
SESSION AND NOTICE OF INTENTION TO MAKE A KEY DECISION**

The Forward Plan

By virtue of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, local authorities are required to publish a notice setting out the key executive decisions that will be taken at least 28 days before such decisions are to be taken. The Regulations also require notice to be given of any matter where it is proposed that the public will be excluded during consideration of the matter.

This Forward Plan incorporates both of these requirements. In the interests of transparency, it also aims to include details of those items to be debated by the Cabinet that relate to either policy/budget formulation, matters which will be subject to a recommendation to the Council, and other matters due to be considered by the Cabinet. This programme covers a period of four months, and will be updated on a monthly basis. The timings of items may be subject to change.

It should be noted that although a date not less than 28 clear days after the date of the notice is given in each case, it is possible that matters may be rescheduled to a date which is different from that given provided, in the cases of key decisions and matters to be considered in private, that the 28 day notice has been given. In this regard, please note that agendas and reports for Meetings of the Cabinet are made available on the [Council's Web Site](#) – five working days in advance of the Meeting in question. Please also note that the agendas for Meetings of the Cabinet will also incorporate a necessary further notice which is required to be given in relation to matters likely to be considered with the public excluded.

There are circumstances where a key decision can be taken, or a matter may be considered in private, even though the 28 clear days' notice has not been given. If that happens, notice of the matter and the reasons will be published on the Council's Web Site, and available from the Council Offices, Trinity Road, Cirencester, Glos. GL7 1PX.

Key Decisions

Key Decisions

The Regulations define a key decision as an executive decision which is likely –

(a) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority's budget for the service or function to which the decision relates; or

Item for Decision	Key Decision (Yes / No)	Exemption Class	Decision – Maker	Date of Decision	Cabinet Member	Lead Officer	Consultation	Background Documents
<p>(b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the authority. In financial terms, the Council has decided that a key decision is any executive decision which requires a budget expenditure of £150,000 or more, or one which generates savings of £150,000 or more.</p> <p>A key decision may only be made in accordance with the Cabinet Procedure Rules contained within the Council’s Constitution.</p>								
<p>Matters To Be Considered in Private</p> <p>The great majority of matters considered by the Council’s Cabinet are considered in ‘open session’ when the public have the right to attend. However, some matters are considered with the public excluded. The public may only be excluded if a resolution is passed to exclude them. The grounds for exclusion are limited to situations where confidential or exempt information may be disclosed to the public if present and, in most cases involving exempt information, where in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The definitions of these are set out in the Council’s Constitution.</p>								
<p>Documents and Queries</p> <p>Formal reports presented relating to any executive decision will be available on the Council’s Web Site at least five working days in advance of the Meeting at which the decision is to be made (except insofar as they contain confidential and/or exempt information).</p> <p>The Decision Notice for each key decision will be published as soon as reasonably practicable after it has been made. We will seek to do this within five working days of the date of the decision. The Decision Notice will be available for public inspection on the Council’s Web Site, and at the Council Offices, Trinity Road, Cirencester, Glos. GL7 IPX.</p> <p>If you have any questions about the Forward Plan, or if you wish to make representations about any of the matters contained within it, please contact the Council’s Democratic Services Team. The Democratic Services Team can also, on request, provide copies of, or extracts from, documents listed in the Plan and any which subsequently become available (subject to any prohibition or restriction on their disclosure).</p> <p>Contact Details:</p> <p>Democratic Services, Cotswold District Council, Trinity Road, Cirencester, Gloucestershire GL7 IPX</p> <p>E-mail: democratic@cotswold.gov.uk Telephone: 01285 623000 Website: www.cotswold.gov.uk</p>								

Item for Decision	Key Decision (Yes / No)	Exemption Class	Decision – Maker	Date of Decision	Cabinet Member	Lead Officer	Consultation	Background Documents
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The Council’s Executive Arrangements

The Council currently operates the Strong Leader and Cabinet form of governance.

By law, the Cabinet can comprise a Leader of the Council, together with up to nine other Members to be appointed by the Leader (one of whom has to be appointed as Deputy Leader). The Leader will be elected by the Council, for a four-year term; and the Deputy Leader appointment is also for a four-year term.

The Cabinet at Cotswold District Council currently comprises a Leader, a Deputy Leader, and seven other Cabinet Members. The structure is as set out in the table below.

Executive decisions are taken either collectively by the Cabinet or individually by Cabinet Members.

The Cabinet generally meets monthly; whereas decision-making by individual Cabinet Members occurs on an ‘as and when needed’ basis.

Decisions of the Cabinet and individual Cabinet Members are subject to scrutiny by the Overview and Scrutiny Committee.

10057

Item for Decision	Key Decision (Yes / No)	Exemption Class	Decision – Maker	Date of Decision	Cabinet Member	Lead Officer	Consultation	Background Documents
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Joe Harris	Leader	Coordination of executive functions, Policy framework including the corporate plan, Publica, Council communications, Democratic services, Housing and homelessness, Clean and green campaign and street cleaning, Town and parish council liaison						
Mike Every (Deputy Leader)	Finance	Financial strategy and management, Property and assets, Waste and recycling, Revenues and benefits, Grants, Public toilets, UBICO						
Mike McKeown	Climate Change and Sustainability	Climate and biodiversity emergency response, Community energy, Sustainable transport, Retrofit, Council sustainability						
Tony Dale	Economy and Council Transformation	Business transformation, Local Enterprise Partnership and county-wide partnerships, Economic development, Car parking operations and strategy, Tourism and visitor information centres, Chamber of Commerce liaison, Customer experience and channel shift						
Juliet Layton	Planning and Regulatory Services	Development management, Forward planning and the local plan, Heritage and design management, Environmental and regulatory services, Cotswold Water Park						
Paul Hodgkinson	Health, Leisure and Culture	Public health, Mental health, Leisure centres, Museums, Culture , Young people						
Lisa Spivey	Communities and Public Safety	Improving social mobility and social isolation, Flooding and sewage, Safeguarding, Domestic abuse, Police liaison and crime, Refugees, Crowdfund Cotswold, Member Development						
Claire Bloomer	Cost of Living and Inclusion	Cost of living support, Liaison with 3 rd sector, Diversity and inclusion, Supporting women and minorities						

19 June 2023 Cabinet

Item for Decision	Key Decision (Yes / No)	Exemption Class	Decision – Maker	Date of Decision	Cabinet Member	Lead Officer	Consultation	Background Documents
Business Rates Discretionary Relief (exceeding £10,000)	No	Open	Cabinet	19 Jun 2023	Deputy Leader - Cabinet Member for Finance - Cllr Mike Evely	Mandy Fathers		
Business Rates Discretionary Relief Reconsideration	No	Open	Cabinet	19 Jun 2023	Deputy Leader - Cabinet Member for Finance - Cllr Mike Evely	Mandy Fathers		
Write off in excess of £5,000 To seek approval for writing off business rates debts in excess of £5,000	No	Open	Cabinet	19 Jun 2023	Deputy Leader - Cabinet Member for Finance - Cllr Mike Evely	Mandy Fathers		
Development Management Improvement Programme	No	Open	Cabinet	13 Jun 2023	Cabinet Member for Development Management and Licensing - Cllr Juliet Layton	Jon Dearing		
Hybrid Mail contract award	Yes	Open	Cabinet	19 Jun 2023	Deputy Leader - Cabinet	Mandy Fathers		

Item for Decision	Key Decision (Yes / No)	Exemption Class	Decision – Maker	Date of Decision	Cabinet Member	Lead Officer	Consultation	Background Documents
approval to award a new contract for the external print and posting services					Member for Finance - Cllr Mike Evey			
Green Economic Growth Strategy Six Monthly Update	No	Open	Cabinet	19 Jun 2023	Cabinet Member for Economy and Council Transformation - Cllr Tony Dale	Paul James		
Write off in excess of £5,000 To seek approval to write off council tax debts in excess of £5,000	No	Fully exempt	Cabinet	19 Jun 2023	Deputy Leader - Cabinet Member for Finance - Cllr Mike Evey	Mandy Fathers		
17 July 2023 - Cabinet								
Rural England Prosperity Fund	Yes	Open	Cabinet	17 Jul 2023	Cabinet Member for Economy and Council Transformation - Cllr Tony Dale	Paul James		

Item for Decision	Key Decision (Yes / No)	Exemption Class	Decision – Maker	Date of Decision	Cabinet Member	Lead Officer	Consultation	Background Documents
<p>Commercial Solar Photovoltaic Installations on Council Assets</p> <p>That Cabinet resolves to:, Agree that the Council should proceed with investment in roof mounted solar PV based on the business cases in this report, and that, the Council seeks to enter into purchasing agreements, for the energy generated, with the tenants, with the terms of these agreements and the decision to proceed with some but not all tenants delegated to the Chief Finance Officer in consultation with the Cabinet Member for Finance.</p> <p>Agree to enter into contract with the preferred contractor identified in Annex A, for the provision and installation of Solar PV.</p>	Yes	Part exempt Commercially sensitive information from bidders for the contract	Cabinet Council	17 Jul 2023 19 Jul 2023	Leader of the Council - Cllr Joe Harris	Chris Crookall-Fallon		

Item for Decision	Key Decision (Yes / No)	Exemption Class	Decision – Maker	Date of Decision	Cabinet Member	Lead Officer	Consultation	Background Documents
Makes a recommendation to Council to allocate/borrow funding for this solar PV investment based on the estimated returns identified in the business case.								
Procurement and Contract Management Strategy - Draft for Consultation	Yes	Open	Cabinet	17 Jul 2023	Deputy Leader - Cabinet Member for Finance - Cllr Mike Evely	Phil Martin		
2023/24 Revenue and Capital Financial Performance Report - High Risk budgets	No	Open	Cabinet	17 Jul 2023	Deputy Leader - Cabinet Member for Finance - Cllr Mike Evely	Caleb Harris		
Q4 Performance Report	No	Open	Cabinet	17 Jul 2023	Leader of the Council - Cllr Joe Harris	Mary-Ann Forrest		
Asset Management Plan	No	Open	Cabinet	17 Jul 2023	Cabinet Member for Corporate	David Stanley		

Item for Decision	Key Decision (Yes / No)	Exemption Class	Decision – Maker	Date of Decision	Cabinet Member	Lead Officer	Consultation	Background Documents
					Services - Cllr Lisa Spivey			
Procurement of Community Alarm Digital Hardware To provide Cabinet information about digital switch over of community alarm equipment for Cotswold residents (Cotswold Careline).	No	Open	Cabinet	17 Jul 2023	Cabinet Member for Health and Wellbeing	Paula Massey		
Outcome of review of grant funding & service level agreements for existing grant maintained Visitor Information Centres To set out the conclusion of the review in the context of detailing the outcome and conclusion of monitoring of wider business engagement, connecting business with Cotswolds Tourism and content provision by the visitor information	No	Open	Cabinet	17 Jul 2023	Cabinet Member for Economy and Council Transformation - Cllr Tony Dale	Sally Graff		

Item for Decision	Key Decision (Yes / No)	Exemption Class	Decision – Maker	Date of Decision	Cabinet Member	Lead Officer	Consultation	Background Documents
<p>centres at Bourton on the Water, Chipping Campden, Stow on the Wold and Tetbury. To consider the future funding priorities, role and function of the district council in supporting the visitor information centres across the district and which ones are best placed to help support the Council's tourism priorities as well as the work of the wider Cotswolds Plus Local Visitor Economy Partnership (LVEP) & Cotswolds Tourism. Consider the impact of the change in funding provision</p>								
<p>Decision to provide a Cotswold residents' group-buying scheme</p>	<p>No</p>	<p>Fully exempt</p>	<p>Cabinet</p>	<p>17 Jul 2023</p>	<p>Cabinet Member for Climate</p>	<p>Chris Crookall-Fallon</p>		

Item for Decision	Key Decision (Yes / No)	Exemption Class	Decision – Maker	Date of Decision	Cabinet Member	Lead Officer	Consultation	Background Documents
for solar PV panels					Change and Sustainability - Cllr Mike McKeown			
Infrastructure Funding Statement 2022/23 To notify cabinet of the Infrastructure Funding which provides an overview of all CIL and S106 monies collected, held and spent.	No	Open	Cabinet	17 Jul 2023	Cabinet Member for Planning and Regulatory Services - Cllr Juliet Layton	Jasper Lamoon		
4 September 2023 - Cabinet								
QI Financial Performance Report	No	Open	Cabinet	4 Sep 2023	Deputy Leader - Cabinet Member for Finance - Cllr Mike Evemy	David Stanley		
QI Performance Report	No	Open	Cabinet	4 Sep 2023	Leader of the Council - Cllr Joe Harris	Mary-Ann Forrest		

Item for Decision	Key Decision (Yes / No)	Exemption Class	Decision – Maker	Date of Decision	Cabinet Member	Lead Officer	Consultation	Background Documents
4 December 2023 - Cabinet								
Q2 Financial Performance Report	No	Open	Cabinet	4 Dec 2023	Deputy Leader - Cabinet Member for Finance - Cllr Mike Evely	David Stanley		
Q2 Performance Report	No	Open	Cabinet	4 Dec 2023	Deputy Leader - Cabinet Member for Finance - Cllr Mike Evely	Mary-Ann Forrest		
Key decisions delegated to officers								